

Appln No. 09/765,535
Amdt date January 5, 2006
Reply to Office action of July 5, 2005

REMARKS

Claims 1 - 15 and 17 - 25 were previously pending in this application. Claims 1, 12, 14, 17 and 21 have been amended. Claims 26-28 have been added. The amendments to the claims and the new claims find full support in the original specification, claims and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration, and an early indication of allowance of claims 1 - 15 and 17 - 28 are respectfully requested.

I. Claims Rejected Under 35 U.S.C. § 101

The Examiner rejects claims 1-13 and 17-20 under 35 U.S.C. § 101 as directed to non-statutory subject matter.

Claims 1, 12 and 17 have been amended to include elements related to *electronic* database searches such as searching "an electronic database to determine the cost of the plurality of travel products" recited in claim 1. Applicants believe this element clearly falls within the 'technical arts,' though Applicant disagrees with the Examiner's characterization of this alleged requirement. Accordingly, Applicants request reconsideration and withdrawal of the non-statutory subject matter of claims 1, 12 and 17 as well as their dependent claims 2-11, 13 and 18-20.

II. Claims Rejected Under 35 U.S.C. § 112

Claims 6, 7, 12 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. It appears that the Examiner also intended to reject claim 25 as indefinite.

Applicants have amended each of these claims to clarify the subject matter which is intended to be claimed. Accordingly, reconsideration and withdrawal of the indefiniteness rejection of the claims 6, 7, 12 and 13, as well as, claim 25 are requested.

III. Claims Rejected Under 35 U.S.C. § 102

Claims 1-3, 12, 13 and 17-25 stand rejected under 35 U.S.C. §103(a) as allegedly obvious and unpatentable over U.S. Patent No. 6,360,205 issued to Iyengar et al. (herein after "Iyengar").

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To establish anticipation, the Examiner must show that the cited reference teaches each of the elements of a claim. In regard to claim 1, 12 and 17, these claims, as amended, include the elements of "wherein at least one characteristic to be searched for during determination of alternative travel products is determined by automatically altering information for the plurality of travel products received from the user" (claim 1) or similar claim elements. Applicants have reviewed Iyengar and have been unable to discern any part therein that teaches these elements of claims 1, 12, 17 and 21. Rather, Iyengar teaches a system where the input from the user defines the search criteria, such as airlines, destination city, departure city, dates of travel and similar information. See for Example, Figures 7 and 8 of Iyengar. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1, 12, 17, 21 and their respective dependent claims, 2, 3, 13, 18-20 and 22-25 are requested.

IV. Claims Rejected Under 35 U.S.C. § 103

Claims 4-6 stand rejected under 35 U.S.C. §103(a) as allegedly obvious and unpatentable over Iyengar, in further view of U.S. Patent No. 5,932,454 issued to Jafri et al. (hereinafter "Jafri"). Claim 11 is rejected as obvious over Iyengar and Jafri in further view of U.S. Patent No. 5,948,040 issued to DeLorme ("DeLorme"). Claims 14 and 15 are rejected as being obvious over Iyengar in view of U.S. Patent No. 6,442,526 issued to Vance ("Vance").

Claims 4-6 and 11 depend from independent claim 1 and claim 14 includes elements similar to those discussed above in regard to claims 1, 12, 17 and 21. Applicants have reviewed Jafri, Delorme, and Vance and believe that they each are based on the use of explicitly specified user search criteria and do not automatically alter the data to find alternate travel products. See for example, "[t]he user then specifies in sequence each leg of the desired trip," col. 2, lines 45 and 46 of Jafri, and "[t]he corporate traveler 86 must enter an employee number 88 and the trip parameters 90," col. 5, lines 6-7 of Vance. Thus, the cited references, combined, do not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

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V. New Claims


It is requested that new claims 26-28 be entered. Applicant believes that the elements of these claims are not taught or suggested by the cited references and are therefore in condition for allowance.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-15 and 17-28 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (626) 795 9900.

Respectfully submitted,
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